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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**
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7 WONG SUET FONG,

8 Plaintiff,

9 v.

10 BAC HOMELOANS SERVICING LP, *et*
11 *al.*,

12 Defendants.
13

Case No. 2:11-CV-01446-KJD-PAL

ORDER

14 Presently before the Court is Plaintiff's Motion for Entry of Clerk's Default (#9). Having
15 read and considered the motion, it is denied. The Summons Returned Executed (#7) reveals that if
16 the summons and complaint were served, service was effected by Plaintiff. However, Federal Rule
17 of Civil Procedure 4(c)(2) requires that a person, not a party to the case or action, serve the summons
18 and complaint. Therefore, since Defendant Bank of America has not been properly served the
19 summons and complaint, no answer was due and default may not be entered.

20 Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion for Entry of Clerk's Default
21 (#9) is **DENIED**.

22 DATED this 12th day of October 2011.
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25 Kent J. Dawson
26 United States District Judge